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| APPLICATION NO.     | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------|-------------|----------------------|---------------------|------------------|
| 09/690,074          | 10/16/2000  | Scott C. Harris      | CREDIT SYSTEM/CH    | 2021             |
| 23844               | 7590        | 01/02/2004           | EXAMINER            |                  |
| SCOTT C HARRIS      |             |                      | NGUYEN, KIMBERLY D  |                  |
| P O BOX 927649      |             |                      |                     |                  |
| SAN DIEGO, CA 92192 |             |                      | ART UNIT            | PAPER NUMBER     |
|                     |             |                      | 2876                |                  |

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

ATW

|                              |                    |                  |
|------------------------------|--------------------|------------------|
| <b>Office Action Summary</b> | Application No.    | Applicant(s)     |
|                              | 09/690,074         | HARRIS, SCOTT C. |
|                              | Examiner           | Art Unit         |
|                              | Kimberly D. Nguyen | 2876             |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 31 July 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 27-48 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 27-48 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Amendment*

1. Acknowledgement is made of Request for Continue Examination filed 31 July 2003.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 27, 29-36, 38, 40, 42-45, 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Teicher et al. (US 6,257,486; hereinafter “Teicher”).

Re claims 27, 38, 40, 44-45: Teicher teaches an electronic credit card (1100 in fig. 14A), comprising: a credit card housing having a front surface (1102 in fig. 14A) showing a credit card number (i.e., “123 456 789” in fig. 14A), and having electronic circuitry (see fig. 11) coupled to said housing, associated with a credit card account based on said credit card number; and a communication device (104 in fig. 13A), also coupled with said housing, and coupled with said electronic circuitry in said housing, communicating information to and from said electronic circuitry using a short range RF protocol (see figs. 5A-5B; col. 1, line 46 through col. 2, line 20; col. 5, lines 1-58).

Re claim 29: Teicher teaches an electronic credit card (400 in fig. 3) further comprising an internal source of power for the electronic circuitry and the communication device (col. 3, lines 6-12).

Re claim 30: Teicher teaches an electronic credit card further comprising connections for an external source of power (808 in fig. 7) to drive the electronic circuitry and the communication device (col. 8, lines 14-20).

Re claims 31-33, 42-43: Teicher teaches an electronic credit card, wherein the connections for an external source of power include external electrodes (808, 852 in fig. 24B) intended to be coupled to a source of power.

Re claim 34: Teicher teaches an electronic credit card, wherein the front surface includes raised lettering indicating the credit card number (col. 1, line 67 through col. 2, line 5).

Re claim 35, 47: Teicher teaches an electronic credit card, wherein a memory storing an individual characteristic representative of an authorized user of the credit card (i.e., Purposes to which smart cards may be applied include, but are not limited to, performing financial transactions, establishing personal identity, providing access control, managing accounting information, and storing and retrieving personal records and other individual data; see col. 1, lines 28-32; col. 5, lines 59-61; and col. 6, lines 30-34).

Re claim 36: Teicher teaches an electronic credit card, further comprising a display (402 in fig. 3) which displays the individual characteristic.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 28, 41 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher in view of Makipaa et al. (US 6,394,341; hereinafter “Makipaa”). The teachings of Teicher have been discussed above.

Although, Teicher teaches that his electronic credit card includes a RF communication device, Teicher fails to specifically teach or fairly suggest that the RF communication includes Bluetooth protocol.

Makipaa et al teaches an electronic smart card including the Bluetooth protocol (see col. 3, lines 4-51).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further integrate the Bluetooth protocol as taught by Makipaa to the teachings of Teicher due to the fact that the Bluetooth protocol uses radio transmissions to transfer both the voice and data in a real-time with various provisions to minimize communications interference and to preserve the datastream security. Accordingly, such modification of employing the Bluetooth protocol would have been an obvious extension as taught by Teicher et al for secure data transmission with less interference effects between the electronic credit card and the reader per se. Furthermore, such modification would prevent an unauthorized operator from intercepting the data during the transaction(s).

6. Claims 37, 39 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher in views of Pitroda (US 5,590,038) and Price-Francis (US 5,815,252). The teachings of Teicher have been discussed above.

Although, Teicher teaches a user's picture, which is on the card itself (see fig. 2). However, Teicher fails to specifically teach the individual characteristic is a user's picture, and the display displays the user's picture.

Pitroda teaches a Universal electronic transaction card ("UET card"; see fig. 3) having a full scale LCD display (30 in fig. 3) thereon, wherein the LCD display may display user's signature, personal identification number, etc. (see, figs. 10-11 and 29; col. 15, lines 12-39; col. 16, lines 62-65).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify a LCD display displaying the biometric information, such as the user's signature, as taught by Pitroda to the teachings of Teicher in order to provide a user's picture on the display to further aid the operator to authenticate the card bearer by his/her signature.

Teicher as modified by Pitroda fails to specifically teach the display displaying the user's picture.

Price-Francis teaches an authentication system using facial images to verify the identity of the card owner (col. 1, lines 43-55; and col. 2, lines 30-34).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the facial images to verify the card holder as taught by Price-Francis to the teachings of Teicher as modified by Pitroda in order to make easier for the operator to identify the card bearer directly from the image display.

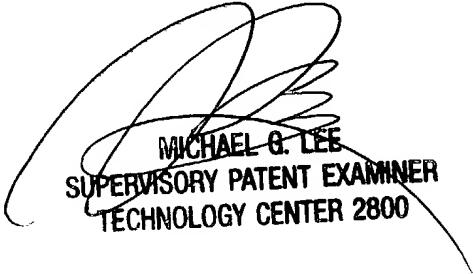
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

KDN  
17 December 2003

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800